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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Report on the situation of human rights in the Palestinian territories occupied since 1967, submitted by Mr. Hannu Halinen, Special Rapporteur, pursuant to Commission on Human Rights resolution 1993/2 A

Introduction

1. At its forty-ninth session, the Commission on Human Rights adopted resolution 1993/2 A of 19 February 1993, entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine". In paragraph 4 of that resolution, the Commission decided to appoint a special rapporteur.

2. At its 44th plenary meeting, on 28 July 1993, the Economic and Social Council adopted decision 1993/253, in which it approved Commission resolution 1993/2 A.

3. The former Special Rapporteur, Mr. René Felber (Switzerland), presented reports to the Commission at its fiftieth and fifty-first sessions (E/CN.4/1994/14 and E/CN.4/1995/19 respectively). He resigned as Special Rapporteur on 9 February 1995. The current Special Rapporteur, Mr. Hannu Halinen (Finland), was appointed in April 1995 by the Chairman of the Commission on Human Rights and presented a report to the Commission at its fifty-second session (E/CN.4/1996/18).

4. The Special Rapporteur continues to believe that his role is not an accusatory one, but rather has the objectives of establishing a meaningful and constructive dialogue with all the parties concerned and helping to overcome problems having to do with human rights concerns in the area.

5. The Special Rapporteur is aware that he is called upon to exercise his mandate in the context of the important political developments in the peace process between Israel and the Palestine Liberation Organization (PLO) which follow the signing of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (the so-called Oslo II Agreement) in 1995, the elections in January 1996 for the Palestinian Council, the elections in Israel in May 1996 and, more recently, the signing of the Protocol Concerning the Redeployment in Hebron on 15 January 1997. He believes that the exercise of his mandate, which is to prevent violations of human rights and improve the overall human rights situation, should help to contribute to the peace process.

6. During the period under review, the Special Rapporteur met with representatives of Governments, intergovernmental and non-governmental organizations and received written information from intergovernmental and non-governmental organizations as well as from individuals. The Special Rapporteur is of the opinion that contacts with the representatives of the Israeli authorities and a greater possibility for visits in the area would have helped him even further to exercise his mandate in the most impartial and objective manner.

7. Since the last session of the Commission on Human Rights and on the basis of the discussions that took place there, the Special Rapporteur availed himself of every opportunity afforded to him to hold both formal and informal discussions on issues related to his mandate, in Geneva, New York and the Middle East. Before submitting his report to the Commission, the Special Rapporteur decided to carry out a short visit to the occupied Palestinian territories from 23 to 27 January 1997, together with a staff member from the Centre for Human Rights. He visited Gaza, Ramallah and Jericho. In the course of 1996, the Special Rapporteur received an invitation from the League of Arab States to visit its headquarters in Cairo. The Special Rapporteur travelled to Cairo on 28 and 29 January 1997. During the year, he also had the occasion to meet informally with the representatives of the Government of Israel.

8. During his visit to Gaza, the Special Rapporteur met with the President of the Palestinian Authority, Mr. Yasser Arafat, and discussed issues relating to his mandate. The Special Rapporteur also met with the Speaker of the Palestinian Council and with the Chief Justice of the Palestinian Authority. He availed himself of the opportunity to acquaint himself with the situation in Gaza. In addition, the Special Rapporteur met with Mr. Peter Hansen, the United Nations Special Coordinator in the Occupied Territories, a.i. and Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East. In Jericho, the Special Rapporteur met with the Minister for Local Government of the Palestinian Authority. During his visit to Gaza and Ramallah, the Special Rapporteur met with representatives of United Nations agencies, non-governmental and humanitarian organizations.

9. At the invitation of the League of Arab States, the Special Rapporteur met in Cairo with the Secretary-General of the League, Mr. Ahmed Esmat Abdel Meguid. Mr. Said Kamal, the head of the Palestinian Affairs Department of the League of Arab States, was also present. The Special Rapporteur took

advantage of his presence in Cairo to meet with representatives of the Ministry for Foreign Affairs of Egypt. He met with Mr. Said El Masri, Assistant Minister for Foreign Affairs, as well as other senior officials from the Ministry for Foreign Affairs.

10. The Special Rapporteur wishes to express his appreciation to Mr. Arafat and the Palestinian Authority for the cooperation extended to him in the course of the mission.

11. The Special Rapporteur expresses his sincere gratitude to the High Commissioner/Centre for Human Rights and to the United Nations Special Coordinator in the Occupied Territories and the staff of their offices in Gaza for the most efficient logistical and other support provided to the mission.

I. PRINCIPAL CONCERNS REGARDING THE SITUATION OF HUMAN RIGHTS

12. The Special Rapporteur would like to draw attention to the fact that today, human rights are an integral building block of both basic pillars on which the United Nations rests, namely, peace and economic and social development. Consequently, human rights should be promoted and protected in maintaining and strengthening peace and security and advancing social and economic development. Lasting peace cannot be achieved without respect for human rights. Without peace, violations of human rights are more systematic and serious.

13. The Special Rapporteur would like to point out that security is not just a military concept. It is largely dependent on economic and social well-being. Human security is not just about weapons; it is even more about human dignity. Human rights, along with humanitarian assistance and election monitoring, have become an integral part of maintaining peace and security. It should be recognized that one of the basic reasons for the creation of societies is to improve the conditions of humanity; to set human beings at the centre of collective concerns.

14. On a global scale, political and security issues, human rights, humanitarian affairs, social and economic development and democracy are linked inextricably. A comprehensive, coordinated and flexible approach has to be found in considering all these elements in the context of Israeli-Palestinian relations.

15. During the period under consideration, the peace process has gone through a very fragile phase. In particular following the conclusion of the Hebron accords, most of the hopes and expectations attached to the peace process have gained new impetus. Terrorist incidents such as those which overshadowed the mission of the Special Rapporteur a year ago have largely been avoided, but the danger that such acts may be committed in the future remains. The real test of the process is yet to come with the beginning of the negotiations on the so-called permanent status issues.

16. In his previous report, the Special Rapporteur indicated that the completion of the peace process was the best way to ensure respect for human rights and the rule of law. However, the promotion of human rights and democracy was crucial to the success of the peace process. Guaranteeing those

standards should not be viewed as compromising the peace process. Both the Declaration of Principles on Interim Self-Government Arrangements signed in 1993 and the Interim Agreement of 1995 include important references as far as human rights are concerned. Furthermore, the permanent status negotiations, if and when they achieve the goals expected of them, are clearly instrumental for the solving of many of the gravest human rights problems.

17. Human rights cannot be set aside, however, to await the outcome of the negotiations. Despite substantial steps taken by both Israel and the Palestinian Authority to improve the human rights situation, serious human rights violations continue to occur in the area. The root cause of the violations, the Israeli occupation of the Palestinian territories, remains legally in force during the transition period. Therefore, international humanitarian law, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, remains fully applicable to and binding on Israel.

18. International human rights law and international humanitarian law provide the legal basis for the consideration of the human rights situation. The peace process, on the other hand, is by nature a political process. Without it, respect for human rights would be inconceivable. While reflecting the political will of the people, it is also a necessary precondition for the promotion and protection of human rights. It is indispensable, however, that the relationship between human rights and the peace process be discussed and further clarified. In the view of the Special Rapporteur, the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip leaves a great deal open to interpretation with respect to human rights, particularly as concerns the strengthening of the rule of law. Since human rights are not the raison d'être for the Agreement or for the upcoming negotiations, a comprehensive solution to this question can hardly be expected. Therefore, the peace process cannot prejudge the exercise of human rights in the Palestinian territories in the future. For that, the contribution of and interaction with the Palestinian Authority and the Palestinian Legislative Council are essential. The full implementation by both Israel and the Palestinian Authority of international human rights law, as embodied in the International Covenants on Human Rights and other international human rights instruments, is the guarantee for the respect of human rights. A reminder about this fact is not contrary, but rather complementary to the peace process.

19. The following paragraphs contain a brief summary of the principal concerns regarding the situation of human rights in the Palestinian territories occupied since 1967. The only purpose of the Special Rapporteur in drawing attention to these concerns is related to the respect for human rights; they should not be read as accusatory, but rather in the context of finding ways to overcome them. Since the Special Rapporteur was unable to visit Israel officially, his report contains less first-hand information than he would have hoped to be able to present. He met informally, however, with senior officials from the Ministry for Foreign Affairs of Israel who informed the Special Rapporteur that their principal preoccupation still concerned the mandate, notably its duration, and the desire that it be placed on an equal

footing with the mandates of other country-oriented Special Rapporteurs. The Special Rapporteur feels strongly that the more contacts and discussions he has, the more helpful his work.

20. During his brief visit to Gaza and parts of the West Bank, the Special Rapporteur was able to obtain valuable written and oral information from intergovernmental, non-governmental and humanitarian organizations. Although incomplete, the report reflects the insight which the Special Rapporteur has managed to gain despite the constraints cited above. As he visited both the West Bank and Gaza Strip, the Special Rapporteur was able to observe how the human rights concerns were prioritized by the inhabitants of the different parts of the occupied territories.

21. The issue of settlements is emerging as the greatest preoccupation of the inhabitants of the occupied territories, especially in the West Bank. The confiscation of Palestinian land and settlement activity violate articles 53 and 49 respectively of the Fourth Geneva Convention. The settlement question came to the fore after the lifting on 2 August 1996 by the then newly elected Government of Israel of the freeze on settlement activity imposed in 1992 by the former Labour administration. In practical terms, this meant that new settlements could be built and the existing ones expanded. There are currently 144 settlements in the Gaza Strip and the West Bank, inhabited by more than 140,000 Israeli settlers.

22. Settlement expansion presupposes the confiscation of Arab-owned land in the occupied territories. At present, settlement expansion is being carried out on recently confiscated land as well as on land that was expropriated from Palestinians some 10 to 15 years ago. Much of it is prime agricultural land, including olive groves and pastures. The uprooting of olive trees and the dumping of waste from settlements on Palestinian-owned land have caused considerable environmental degradation, as has the diversion of fresh water from the Gaza Strip to Israel as the water used by the inhabitants of Gaza becomes increasingly salty and unfit for use in agriculture. Recently, the expansion of the Maaleh Adumim settlement has given rise to repeated forcible expulsions from its vicinity of members of the Jahalin bedouin tribe. Apart from the expansion of settlements, large tracts of land have been expropriated for the construction of bypass roads linking the various settlements and the settlements with Israel. It has been reported that much wider strips of land than necessary, sometimes up to 250 metres wide, have been cleared and bulldozed for this purpose. In addition, no construction is allowed within 150 metres of a bypass road.

23. During the period under review, settler violence, particularly in Hebron, has been observed repeatedly. On 1 January 1997, a settler wearing an Israeli Defence Forces uniform opened fire on Palestinians with live ammunition in the Old City of Hebron, wounding six persons. Violent clashes took place in September 1996 between Israeli soldiers and Palestinian civilians as well as members of the Palestinian police in the wake of Palestinian protests against the opening of an entrance to the Western Wall Tunnel in the Moslem Quarter of Jerusalem's Old City located beneath the Al Aqsa Mosque compound. It has been reported that excessive and indiscriminate force was used by the Israeli forces against civilians, including live ammunition and heavy weaponry such as tanks, armed personnel

carriers and helicopter gunships. Some 65 Palestinians and 15 Israeli soldiers were killed and an estimated 1,600 persons wounded. It has been alleged that snipers were used as well and that the majority of those killed or wounded were shot in the head or upper part of the body, showing an intention to kill or cause serious bodily injury in contravention of article 27 of the Fourth Geneva Convention. Wilful killing or causing of serious bodily injury are considered as grave breaches of the Convention under article 147. Medical workers were reportedly also fired at, in violation of articles 20, 21 and 24 of Protocol II Additional to the Geneva Conventions.

24. In paragraphs 22 to 27 of his previous report (E/CN.4/1996/18), the Special Rapporteur described the effects of the closure imposed by the Israeli authorities on the occupied territories in the wake of security incidents which took place in February and March 1996. The closure remains the principal human rights concern of the inhabitants of the Gaza Strip. The Special Rapporteur was informed that closure of the Gaza Strip was imposed for 287 days in 1996. The effects of the closure were felt all the more in view of the fact that the "safe passages" for the movement of persons, vehicles and goods between the Gaza Strip and the West Bank, which comprise a single territorial unit under article XXXI (8) of the Oslo II Agreement, have not been opened to date. A complete "internal" closure of the occupied territories, which places under virtual town arrest the inhabitants of some 465 localities populated by Palestinians in areas of the West Bank which are under Israeli control, was applied for 10 days for the second time in 1996 after the violent clashes in September. Closures amount to collective punishment in violation of article 33 of the Fourth Geneva Convention. Their most obvious effect is the severe restriction of the right to liberty of movement enshrined in article 12 of the International Covenant on Civil and Political Rights.

25. Closures have continued to have a devastating impact on the already fragile Palestinian economy, maintaining unemployment at an estimated 40 per cent in the Gaza Strip and 30 per cent in the West Bank. The right to work is protected under article 39 of the Fourth Geneva Convention. The closure has restricted the movement of products, giving rise to losses estimated at millions of dollars. The Special Rapporteur is convinced that Palestinian economic development contributes to reducing the threat of violence and terrorism. He welcomes the steps which have been taken to ease the closure. The Special Rapporteur welcomes the decision of the Israeli authorities to increase to 55,000 the number of work permits issued to Palestinian labourers allowing them to work in Israel, and calls for further increases in the near future. Further rapid progress should be made including the free movement of goods and the opening of the Gaza airport, port and the safe passages. Improved living conditions and effective socio-economic development for the Palestinians are crucial elements for a sustainable improvement of the human rights situation.

26. The deterioration of the situation of women in the occupied territories has been reported as one of the "hidden" effects of the closure. Another adverse effect of the closure on the social fabric in the territories has been a reported pronounced increase in the rate of divorce. The closure and related problems are conducive to accumulating stress among the people, thereby affecting the mental well-being of some segments of the population.

27. The closure has continued to have a detrimental effect on the health situation of the population in the occupied territories in general, especially in Gaza, and a shortage of medical supplies has been reported. The supply and transport of medical supplies and other relief items are protected by articles 23, 55 and 59 of the Fourth Geneva Convention. At least 10 persons are believed to have died in 1996 for lack of a permit or as a result of delays at border crossings giving access to better equipped medical facilities in the West Bank, in Jerusalem or in Israel, including at least 7 pregnant women; this contravenes article 16 of the Fourth Geneva Convention.

28. The closure has had a serious impact on education since 1,200 Gazan students are still not able to attend classes at the educational institutions in the West Bank where they are enrolled. Many have already lost an entire academic year. Their situation amounts to collective punishment, prohibited by article 33 of the Fourth Geneva Convention, and deprives them of the enjoyment of the right of everyone to education enshrined in article 13 of the International Covenant on Economic, Social and Cultural Rights. Education was also disrupted severely during the total closure, particularly in the West Bank.

29. It is estimated that some 1,000 Palestinians were arrested after the terrorist incidents which took place in Israel in February and March 1996, an estimated 100 of whom were placed in administrative detention. Eight homes belonging to the families of those thought to be involved in the security incidents were demolished, in contravention of article 53 of the Fourth Geneva Convention. It has been reported that 75 per cent of the persons arrested were subsequently released without charges. After the withdrawal and redeployment of the Israeli army from the major Palestinian cities in the West Bank in 1995, all Palestinian prisoners were transferred from the occupied territories to Israel, in violation of articles 49 and 76 of the Fourth Geneva Convention. It is estimated that some 3,700 Palestinians are currently detained in Israeli prisons. There are at present approximately 250 Palestinians in administrative detention, including 7 minors whose administrative detention has been extended recently, in contravention of articles 37 and 40 of the Convention on the Rights of the Child. Numerous administrative prisoners have had their administrative detention period extended several times, including Shawan Jabarin, a staff member of the Al-Haq human rights organization, in violation of article 78 of the Fourth Geneva Convention. The Special Rapporteur welcomes the release of 31 female Palestinian prisoners on 11 February 1997. He also welcomes the closing of the Ketziot military detention camp in the Negev desert in May 1996.

30. A development regarding the treatment of Palestinian detainees which has given rise to considerable international concern is the permission granted to the General Security Service by the Israeli High Court of Justice regarding the use of force in the interrogation of suspects in connection with security matters such as the prevention of terrorist attacks. It should be recalled that the guidelines for interrogation contained in the report of the Landau Commission allowing for the use of "moderate physical pressure" were already deemed completely unacceptable by the United Nations Committee against Torture. The General Security Service had been authorized by an interministerial committee since October 1994 to apply "special measures" relating to physical pressure which are believed to amount to aggravated forms

of torture. Article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment provides for no derogation from the freedom from torture enshrined in article 7 of the International Covenant on Civil and Political Rights, even in cases of threat of war and other public emergencies. One interrogation method, which has already resulted in the death of one detainee, is violent shaking of the head which may result in brain haemorrhaging or permanent incapacitation. The High Court rulings in January and November 1996 lifting the interim injunctions prohibiting the use of physical force by the General Security Service in the interrogation of detainees amount to its sanctioning of torture and ill-treatment. Persons are also believed to have died as a result of torture and ill-treatment in detention centres under the control of the Palestinian Authority due to the overwhelming pressure reportedly placed on the Authority to deal with its own and Israeli security concerns. Detainee Yousef Al-Baba died on 1 February 1997 in Nablus under suspicious circumstances.

31. Palestinian residents of East Jerusalem are reportedly increasingly being treated by the Israeli authorities as resident aliens, i.e. foreigners: through the Interior Ministry's policy regarding the issuing of identity cards, the Palestinians' residency status in the city is being altered. It should be recalled that Palestinians from other parts of the occupied territories are not allowed to enter Jerusalem, which has reportedly resulted in the destruction of its economy and vital links, in particular with the West Bank from which it has been legally separated by Israel. The lack of housing and job opportunities has forced many of its residents to seek employment outside the city's municipal boundaries as established by the Israeli authorities, which is used by the same authorities as a justification for the revocation of Palestinians' identity cards on the grounds that Jerusalem is no longer their "centre of life". These measures have also affected those Jerusalemites studying abroad. Some persons have been expelled when they reached 16 years of age. Women from Jerusalem married to non-Jerusalemites have reportedly not been allowed into the city and family reunification has become much more difficult. It is estimated that some 60,000 to 80,000 identity cards of Jerusalemites living outside the Israeli-imposed city boundaries have been revoked.

II. CONCLUSIONS AND RECOMMENDATIONS

32. Despite the grave concerns reported to the Special Rapporteur, satisfaction should be expressed that both Israel and the Palestinian Authority are showing concern and making continuous efforts to advance the respect for human rights. An overall deterioration of the human rights situation, therefore, has largely been avoided and determined steps in the right direction have been taken, particularly concerning the release of prisoners and the advancement of the Palestinian economy.

33. The Government of Israel is functioning in an open and democratic environment. It is thus exposed to criticism and pressure, both national and international. The Special Rapporteur is convinced that isolating or singling out the Israeli Government in international forums would not be conducive to improvements in Israel's human rights record. The consistent building up of awareness in the country about international human rights standards and the participation of the society at all levels in implementing those standards are

to be further encouraged. The free press and an active non-governmental organization community contribute in a significant manner to the ongoing domestic discussion. What is crucial, however, is the role of the Government in this context. The duty of the international community is to convince the Government, not in a confrontational and accusatory way, but in the spirit of compromise and mutual understanding, that cooperation, be it bilateral, with regional organizations or with the United Nations, is in its best interest. What is at stake is the building of confidence and trust between Israelis and Palestinians. At stake to the same extent is the building of trust and confidence between the Israeli Government and the world community.

34. It should be recalled that the mandate of the Special Rapporteur, as contained in paragraph 4 of Commission on Human Rights resolution 1993/2 A, is:

> "(a) To investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian territories occupied by Israel since 1967;
>
> "(b) To receive communications, to hear witnesses, and to use such modalities of procedure as he may deem necessary for his mandate;
>
> "(c) To report, with his conclusions and recommendations, to the Commission on Human Rights at its future sessions, until the end of the Israeli occupation of those territories."

35. During informal contacts with representatives of the Israeli Government, the Special Rapporteur was informed repeatedly that the Government would cooperate fully with the Special Rapporteur as soon as Israel is placed on an equal footing with other countries subjected to the scrutiny of a special rapporteur. The Special Rapporteur has no reason to doubt the sincerity of the Israeli Government in this respect.

36. In his report to the Commission on Human Rights at its fifty-second session, the Special Rapporteur pointed out that it appeared indispensable that the role of the Special Rapporteur should be reviewed so as to enable him to make a more action-oriented contribution to the protection and promotion of human rights in the area. The report noted further that the Special Rapporteur could not be effective in his work without the full cooperation of the Government of Israel. The responsibility for improving the human rights situation in the West Bank and Gaza Strip lies with both Israel and the Palestinian Authority, which should apply all the principles of human rights and humanitarian law. Israel, as the occupying Power, continues to have special obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. On that basis, the Special Rapporteur invited the Commission on Human Rights to consider amending his mandate.

37. It is clear that the mandate of the Special Rapporteur as adopted some four years ago is in some ways obsolete and exceptional; it does not refer at all to the peace process; it does not authorize the Special Rapporteur to

study and recommend constructive human rights and humanitarian programmes to prevent violations or remedy their aftermath; it limits itself to Israel's violations only in the occupied territories; and, unlike all other mandates, its duration is open-ended. However, it is equally clear that the root cause of the violations, the occupation, is an exceptional situation, and can consequently warrant a certain exceptional consideration.

38. The Special Rapporteur notes with satisfaction the recent decision by the Government of Israel to release all Palestinian women prisoners. It is hoped that this would lead to the early release of other prisoners, as already stipulated in the so-called Oslo Agreements. For the Government of Israel, measures taken with respect to the Palestinian prisoners in Israel would undoubtedly be the clearest way to convey its sincerity in building up a relationship of trust with the Palestinian Authority.

39. Reports of practices amounting to torture during interrogation by Israeli security officials continue to give cause for concern. The exercise of physical and psychological pressure allowed recently by the High Court of Israel in conjuction with interrogation procedures is contradictory to the standards enshrined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and cannot be accepted. All allegations of torture should be investigated by independent judicial bodies. Those found guilty should not enjoy impunity. The recommendation by the United Nations Committee against Torture to put an immediate end to current interrogation practices and grant access to appropriate rehabilitation and compensation measures to the victims of such practices should be implemented without further delay.

40. A large number of persons remain in administrative detention where they have been placed by the Government of Israel. In some cases, detention has been extended for years. All such detainees should be brought to a fair trial or released.

41. The settlements are in contradiction to the Geneva Conventions as well as the human rights of the Palestinian people. The Government of Israel should not wait for the outcome of the negotiations regarding the peace process but should rather deal with this highly sensitive issue as early as possible. No new settlements should be built, no existing ones expanded and no bypass roads or security areas should be established without consulting the indigenous population.

42. Measures taken by the Israeli Government to increase the freedom of movement are to be welcomed. Steps such as increasing the number of work permits issued to Palestinians, which will help to enhance the Palestinian economy, are clearly conducive to the alleviation of many human rights problems. The closure and other indiscriminate measures amounting to collective punishment imposed on the inhabitants of the occupied territories should be discontinued.

43. It should be noted that as long as the occupation continues, the Palestinian Authority has no responsibility based on international law to respect obligations of human rights and humanitarian law, since formally it cannot be a party to any relevant agreements or conventions. Therefore, it is

all the more noteworthy that the Palestinian Authority is making consistent efforts to act already at this stage in accordance with those agreements and conventions.

44. The Palestinian Authority is facing a comprehensive nation-building programme. The Palestinian society has decided to embark on a path leading to democracy, good governance, the rule of law and respect for human rights. International support is not only badly needed but can be an effective and even instrumental contribution to nation-building, thereby helping to prevent conflicts in the future. The international response, notably from the donor community, has been commendable. The Special Rapporteur is looking forward to the same excellent cooperation with Mr. Chinmaya Gharekhan, the United Nations Special Coordinator in the Occupied Territories appointed recently by the Secretary-General, as he enjoyed with his predecessor, Mr. Terje Roed Larsen. The recent opening of the office of the High Commissioner/Centre for Human Rights in Gaza is a significant step towards the promotion of human rights in the area.

45. The Special Rapporteur had the opportunity to visit the office of the High Commissioner/Centre for Human Rights in Gaza established on the basis of an agreement with the Palestinian Authority for the implementation of a technical cooperation programme. The office is responsible for implementing a multi-component programme focusing on institution-building in the area of the rule of law, including support to law reform efforts, strengthening the system for the administration of justice, cooperation with national human rights institutions, support to non-governmental organizations and formulation of a national plan of action for human rights. Implementation of the programme has commenced in cooperation with key government ministries, law enforcement agencies, the Palestinian Independent Commission for Citizen's Rights and Palestinian non-governmental organizations. The Special Rapporteur is pleased to report that full cooperation has been extended to the High Commissioner/ Centre for Human Rights by the Palestinian authorities in this regard. The Special Rapporteur considers continued cooperation as an essential aspect of the development efforts currently under way in Palestinian areas under self-rule, and as an important means of improving human rights protection in those areas. He welcomes the commitment of the Palestinian authorities to make it a success.

46. The Palestinian Authority cooperates fully with the international community. This cooperation is the best guarantee that those few human rights concerns attributed to the Palestinian Authority - cases of torture, administrative detention and restrictions on the freedom of the press and opinion - can be duly solved.

47. One of the key elements of the post-Hebron agenda has to be the prevention of violent conflicts. The cause of conflicts often lies in the violation of human rights which, in turn, generates tension that can lead to outbursts of violence. Crucial in preventing crises is the increased accountability of Governments and administrative structures as well as respect for human rights and the rule of law.

48. Violations of human rights touch the very heart of the people affected. Building up the trust and confidence necessary for sustainable peace in the

area is difficult, if not impossible, without determined efforts to suppress those violations. The peace process, while addressing itself to the root cause of violations, the foreign occupation, provides the best framework and guarantee for eradicating human rights problems in the area. Therefore, the Special Rapporteur calls for the full implementation of the Interim Agreement of 1995.

49. Since human rights concerns go beyond the scope of the peace process as such, they need to be considered on their own merits, and in a comprehensive manner. Globally, the key forum for this discussion is the Commission on Human Rights. The Commission, instead of repeating old accusations, should engage in a profound discussion about the ways and means of addressing the human rights situation in a constructive and forward-looking manner. The Special Rapporteur is confident that the Commission, while considering further improvements in its working methods, will find a more forward-looking and businesslike approach for the discussion of the human rights situation in the Middle East. This is all the more important because ignoring relevant developments or setting conditions for their consideration would not be conducive to the ultimate aim, the improvement of the human rights situation.

50. The understanding of the fact that Israelis and Palestinians are going to have to live together is gradually gaining ground. The understanding of the human rights issues in that context and what to do to deal with them still need to be worked out. This entails more contacts and discussions, more transparency, more participation at all levels, more publicity, but also more confidential approaches, meetings and seminars. The Special Rapporteur, while noting with satisfaction an increasing number of bilateral, regional and international efforts in this regard, would encourage more concerted action by relevant parties to focus on human rights in the context of the peace process.

51. We all know what the problems are. We cannot solve them by attacking each other but by sitting down together, analysing them objectively and finding the trust and confidence to overcome them.